

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

DYLAN ERIC LANDERS,

Plaintiff,

vs.

SCOTT FRAKES, DIANE SABATKA-
RINE, J. BEATY, Research
Representative; C. CONNELLY,
Intelligence Representative; M.
ROTHWELL, Classification
Representative; and S. BRYANT, PsyD,
Mental Health Representative;

Defendants.

8:17CV371

**MEMORANDUM
AND ORDER**

This matter is before the court on Plaintiff's Motion to Amend Complaint. ([Filing No. 28](#)). Plaintiff seeks to amend the "Relief Requested" section of the Complaint ([filing no. 1](#)) and add two sections entitled "Liberty interests, Atypical and Significant hardship claims" and "Documented Evidence," the latter of which includes several attached documents.

Rule 15 of the Federal Rules of Civil Procedure provides:

A party may amend its pleading once as a matter of course within:

(A) 21 days after serving it, or

(B) if the pleading is one to which a responsive pleading is required, 21 days after service of a responsive pleading or 21 days after service of a motion under Rule 12(b), (e), or (f), whichever is earlier.

[Fed. R. Civ. P. 15\(a\)\(1\)](#). In addition, Nebraska Civil Rule 15.1 provides that “[a] party who moves for leave to amend a pleading (including a request to add parties) must file as an attachment to the motion an unsigned copy of the proposed amended pleading that clearly identifies the proposed amendments.” NECivR [15.1\(a\)](#). In pro se cases, the court may consider an amended pleading as supplemental to the original pleading. NECivR [15.1\(b\)](#).

Here, Plaintiff filed his motion within 21 days of the Complaint first being served on any of the Defendants. (See Filing Nos. [20](#), [21](#), [22](#), & [23](#).) Given Plaintiff’s timely request to amend and his clear intent to supplement his Complaint, the court will grant Plaintiff’s motion to amend and treat the motion ([filing no. 28](#)) and the Complaint ([filing no. 1](#)) as an amended complaint. Accordingly,

IT IS ORDERED that:

1. Plaintiff’s Motion to Amend Complaint ([filing no. 28](#)) is granted. The Complaint ([filing no. 1](#)) and Motion to Amend ([filing no. 28](#)) will be considered together and treated as an amended complaint. The clerk of the court is directed to add the following text to the docket text for [filing no. 28](#): “Supplement to Complaint.”

2. Defendants shall have until **May 4, 2018**, to file an answer to the amended complaint ([filing no. 1](#); [filing no. 28](#)).

Dated this 17th day of April, 2018.

BY THE COURT:

s/ Richard G. Kopf
Senior United States District Judge